

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SERVICIOS FUNERARIOS GG, S.A. DE C.V.,

Plaintiff,

v.

ADVENT INTERNATIONAL
CORPORATION,

Defendant,

and

ADVENT INTERNATIONAL
CORPORATION,

Counterclaim-Plaintiff,

v.

SERVICIOS FUNERARIOS GG, S.A. DE C.V.,

Counterclaim-Defendant.

Civil Action No. 23-cv-10684-IT

DECLARATION OF GABRIEL F. SOLEDAD

I, Gabriel F. Soledad, a Partner of the law firm of Quinn Emanuel Urquhart & Sullivan, LLP that represents Defendant and Counterclaim-Plaintiff Advent International Corp. (“AIC”) in this matter, respectfully submit this Declaration and hereby state as follows.

1. The parties held a Rule 26(f) conference on May 2, 2023. At that conference Plaintiff’s counsel represented that Servicios Funerarios GG, S.A. de C.V. (“SF”) maintains neither an e-mail server nor central document repository, and thus all relevant information in its possession was maintained by affiliates, including Gayosso and Pablo Peña’s companies MexCap and ExeFin.

2. On June 9, 2023, AIC informed SF that its response to Interrogatory 4 was insufficient. In response, on June 16, Michael Aleo committed on behalf of Plaintiff to provide a supplemental response that “identifies the relative share ownership and the shareholders of SF.”

3. The parties met and conferred on June 1, 2023 regarding, among other matters, document custodians and discovery from Fibra Uno. On that conference SF refused to provide discovery from Fibra Uno, justifying that refusal on the fact that Fibra Uno’s documents are not located on SF’s server.

4. After SF objected to AIC’s requests for production on the basis of Mexican law, AIC sought clarification from SF regarding what Mexican law it was relying on, and what information it was withholding under that law. SF failed to provide this information for months, until finally on August 3, 2023 Carlos Sires on behalf of SF noted in an attachment to an email communication that SF was withholding documents “pursuant to Article 218 of the Mexican National Criminal Procedures Code.” AIC again sought clarification regarding exactly what documents SF intended to withhold under Article 218, but on August 7, Carlos Sires on behalf of SF responded that SF would “not produce any document [that] the production of which is protected or prohibited by Article 218” and would not specify which documents SF intends on withholding on that basis, stating that SF did “not want to resort to labels such as ‘criminal investigative file,’ because that may not be a precise term or may lead to confusion” and “will be guided by Mexican counsel on which documents fall within Article 218’s ambit.”

5. Attached hereto as **Exhibit A** is a true and correct copy of SF’s Initial Disclosures.

6. Attached hereto as **Exhibit B** is a true and correct copy of the transcript from the May 23, 2023 Rule 16 conference.

7. Attached hereto as **Exhibit C** is a true and correct copy of AIC's May 3, 2023 interrogatories.

8. Attached hereto as **Exhibit D** is a true and correct copy of SF's June 5, 2023 Responses to AIC's May 3, 2023 interrogatories.

9. Attached hereto as **Exhibit E** is a true and correct copy of SF's public Mexican letter of incorporation.

10. Attached hereto as **Exhibit F** is a true and correct copy of SF's August 11, 2023 supplemental Responses to AIC's May 3, 2023 interrogatories.

11. Attached hereto as **Exhibit G** is a true and correct copy of AIC's May 3, 2023 Requests For Production to SF.

12. Attached hereto as **Exhibit H** is a true and correct copy of SF's June 5, 2023 Responses to AIC's Requests For Production.

13. Attached hereto as **Exhibit I** is a true and correct copy of the declaration of Javier Mijangos y González.

14. Attached hereto as **Exhibit J** is true and correct copy of a machine translation of Chapters 8 and 13 excerpted from Traición en Palacio, by Hernán Gómez Bruera.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: August 23, 2023

/s/ Gabriel F. Soledad
Gabriel F. Soledad

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2023, I caused a copy of the foregoing document to be served via the CM/ECF system on all counsel of record.

/s/ Andrew J. Rossman
Andrew J. Rossman